

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MARK KIDD AND BUFFIE KIDD**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 1:08cv1443 LG-RHW**

**STATE FARM FIRE AND CASUALTY CO.,  
MIKE MEYERS, Individually, and as Agent  
of STATE FARM FIRE AND CASUALTY COM.  
and JOHN DOES 1-10.**

**DEFENDANTS**

**MOTION FOR DECLARATORY RELIEF**

COME NOW Plaintiffs, Mark Kidd and Buffie Kidd, by and through undersigned counsel and respectfully move this Court for Declaratory Relief pursuant to Fed. R. Civ. P. 57 & 28 U.S.C. § 2201. The Plaintiffs seek a declaration that the appraisal clause is a valid and enforceable contract provision. For the reasons submitted in the accompanying memorandum, the Plaintiffs respectfully request the Court grant the Plaintiffs' relief.

In support thereof, Plaintiffs submit the following:

- A. Memorandum in Support of Motion for Declaratory Relief;
- B. State Farm Flood Policy No. 24-RC-0070-2 (Exhibit "A");
- C. Declaration Page Relative to State Farm Flood Policy No. 24-RC-0070-2 (Exhibit "B");
- D. Letter from undersigned counsel to Michael McCabe, Esq. (Exhibit "C"); and
- E. Email from Kristie Luke, Esq. to undersigned counsel (Exhibit "D").

Respectfully submitted, this the 20<sup>th</sup> day of October, 2009,

PLAINTIFFS, MARK and BUFFIE KIDD

BY: s/ Edward Gibson  
EDWARD GIBSON

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I, Edward Gibson, hereby certify that on this day, I caused to be filed, via the ECF filing system, a true and correct copy of the above and foregoing Motion for Declaratory Relief which in turn forwarded a copy to all counsel of record as indicated below:

Sherrie Moore, Esq.  
Michael McCabe, Esq.  
Allen, Cobb, Hood & Atkinson, P.A.  
P.O. Drawer 4108  
Gulfport, MS 39502-4108

Kristie Luke Mouney, Esq.  
Nielsen Law Firm, LLC  
3838 North Causeway Blvd., Ste 2850  
Metairie, LA 70002

I further certify that there are no non-ECF counsel.

SO CERTIFIED, this the 20<sup>th</sup> day of October, 2009,

s/ Edward Gibson  
EDWARD GIBSON